

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT  
DIVISION  
Civ. No. B \_\_\_\_\_  
(Super. Ct. No. C420153)

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CHURCH OF SCIENTOLOGY OF CALIFORNIA  
and MARY SUE HUBBARD,

Plaintiff-Petitioners,

-against-

GERALD ARMSTRONG,

Defendant.

---

CHURCH OF SCIENTOLOGY OF CALIFORNIA  
and MARY SUE HUBBARD,

Petitioners

-against-

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNT OF LOS ANGELES,

Respondents.

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BENT CORYDON, Real Party in Interest

---

Response From the Superior Court of California  
County of Los Angeles  
Judge Bruce R. Geernaert

---

RESPONSE TO PETITION FOR WRIT OF SUPERSEDEAS  
OR OTHER APPROPRIATE STAY ORDER  
MEMORANDUM OF LAW  
STAY REQUESTED

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Counsel for Respondent



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TABLE OF CONTENTS

	<u>Page</u>
Table of Authorities.....	ii
Response to Petition for Writ of Supersedeas.....	1
I. Introduction.....	2
II. The History.....	3
III. Sealing Order.....	5
IV. Conclusion.....	7



## TABLE OF AUTHORITIES

<u>Cases:</u>	<u>Page</u>
Carmichael v. Corydon, Case no. 189 414.....	3
Champion v. Superior Court, 247 CR 624, at 630 (1988).....	5
Church of Scientology v. Corydon, Case No. 154129.....	3
Church of Scientology Int'l v. Corydon, CA8048-87.....	3
Coalition Against Police Abuse v. Superior Court, 170 Cal.App.3d 88.....	6
Fong v. Miller, 105 Cal.App.2d 411.....	6
Ford v. Superior Court, 233 Cal.Rptr. 607, 608 F.N. 1 (E).....	5, 6
Jentzsch v. Corydon, Case No. NVC 14274.....	3
Mary R. v. B. & R. Corp., 149 Cal.App.3d 308.....	2, 6
Maryland C. Company v. Fidelity & Casualty Co. of New York, 71 Cal.App. 492 <u>Contracts</u> , Sec. 136-138 14 Cal.Jur.3d 364.....	6
Tappan v. Albany Brewing Company, 80 Cal. 570.....	6
Tiedje v. Aluminum Paper Milling Company, 46 C.2d 450.....	6
United States v. Zolin, 809 F.2d 1411.....	6



I.  
INTRODUCTION

Petitioners, Church of Scientology, have filed an appeal over an order unsealing a public file. As set forth below, in unsealing the file, the court noted that the sealing order initially had occurred based upon a request of the settling parties and without any finding of necessity. Further, at one time, the file was open to the public.

Real Party in Interest Bent Corydon is a Defendant in four Scientology-related lawsuits and needs the information therein for his defense in said actions.

This court should note that the order unsealing the file was made on November 9, 1988 but Petitioners waited until December 19, 1988 to file this Petition (forcing a rush for opposition during the Christmas Holidays).

But more importantly, the Petitioners could have filed a writ of Prohibition (Mary R. v. B. & R. Corp., 149 Cal.App.3rd 308). Instead, Petitioners have filed an appeal, seeking a stay. If granted, Petitioners will succeed in preventing Real Party in Interest from being able to defend himself in four different actions regardless of the outcome of the appeal.<sup>1</sup>

Should any relief be granted herein, Corydon will be forced to move this court for an expedition of the appeal process.

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<sup>1</sup> Of interest, Kendrick Moxon (Bowles & Moxon), one of the attorneys for Petitioners, is also an attorney of record in all four of the suits against Corydon and has an interest in keeping discovery of this file from Mr. Corydon as long as possible.



## II. THE HISTORY

Real Party In Interest Corydon is a Defendant in two separate defamation lawsuits brought by "Presidents" of Church of Scientology Corporations, Judicial Counsel Coordination Proceeding number 2151, Jentzsch v. Corydon, Case No. NVC 14274 and Carmichael v. Corydon, Case No. 189 414. In Church of Scientology v. Corydon, Case No. 154129, filed in Riverside California, the Church of Scientology is suing for possession of real property that Mr. Corydon's local congregation has following its splintering from the Church of Scientology. In said action, Mr. Corydon has cross complained for damages resulting from "Fair Game" harassment policies.<sup>2</sup>

Real Party Corydon is also a Defendant in a third defamation action filed in the district of Columbia, Church of Scientology, International v. Corydon.<sup>3</sup>

Real Party Corydon possessed a partial, non-conformed copy of Judge Breckenridge's decision in the herein action. We

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<sup>2</sup> "Fair Game" is Scientology policies of harassing its critics and enemies. In the herein case, Judge Paul Breckenridge, found said policy to in fact exist and to have been applied against Scientology enemies (Exh. I to the Petition).

<sup>3</sup> The Petition only attaches Respondent's Points and Authorities (Exh. J to the petition). Attached hereto is Exh. A is the entire motion which includes also the Declaration of Paul Morantz, Declaration of Vicki Aznaren, and both complaints in Judicial Proceeding number 2151. A joinder was filed by Respondent Corydon's counsel in the Riverside action, Case No. 154 129 which also attaches complaint and cross complaint in said action (Exh. B). The reply to the Motion to Unseal is attached hereto as Exh. C which includes a copy of the complaint in Church of Scientology International v. Corydon CA8048-87.



intended to obtain a certified complete copy to use for a Summary Judgment Motion but the clerk refused advising of the sealing order (Declaration of Paul Morantz, Exh. A).<sup>4</sup> Thereafter, this motion to set aside the sealing order was made.

In support thereof a Declaration of former Scientology top official, Vicki Aznaren, was filed, indicating that Scientology had destroyed documents ordered to be produced in the herein case, and others. It was further pointed out that Heber Jentzsch has sued Corydon for defamation alleging he wrongfully called him a liar. A basis for Corydon's statement was Plaintiff Jentzsch calling Judge Breckenridge's decision (Exh. I to Petition) a result of being "Nazi" influenced. Said statement by Jentzsch was on a BBC Broadcast and the transcript is attached to the

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<sup>4</sup> Petitioners challenge the value of this ruling claiming there is an appeal pending and thus the order is not final, although they do not cite the Appellate number (Petition, pg 8). We checked with a clerk of this Appellate District and were informed that an Appeal, B025920, was filed in February of 1987 (Judge Breckenridge's decision is dated June 20, 1984, see Exh. I to the Petition), but curiously, no briefs have ever been filed after almost two years. Further, this case has been admittedly settled and documents were returned to Petitioner (Exh. F to the Petition).

This appeal becomes even more suspicious when the settlement agreement (Exh. D, mutual release of all claims, paras 2 and 3) is examined. Armstrong was paid \$800,000.00, and returned all documents (Exh. D, para. 6E). Further, Armstrong and a host of other claimant/witnesses contracted to remain silent concerning Scientology under fear of \$50,000.00 liquidated damages (Exh. D, para. 6D).

As herein, the agreement further perpetrates the obstruction of justice as to Mr. Corydon by contracting that each party shall not cooperate with any adverse litigants nor be amenable to subpoena (Ex D., paras 6G and 6H).

All of this suggests that Appeal No. B025920 has been filed only to stall collateral estoppel effect. We suggest this court inquire into the same and determine if the appeal is moot or not.

moving papers (Exh. H) as Exh. B. It is also important to Mr. Corydon's defense to examine the file due to Judge Breckenridge making findings that Scientology uses private information obtained from its followers for purposes of blackmail. This is also a key issue in all of Corydon's litigation. In fact, not only did Judge Breckenridge make such a finding, but afterwards, Scientologist Jentzsch falsely made a statement that every court of law has held that they do not (Exh. C to the motion, Exh. A).

### III. SEALING ORDER

As set forth clearly in the December 11, 1986 Reporter's Transcript (Exh. F to the Petition) the sealing order only came into existence as a result of a settlement of the parties. The court even noted "There have been innumerable people in the interim who have come forward and examined the file..."

The very order itself noted that the documents were not subject to seal if used by Armstrong's counsel, Contos & Bunch and Michael Flynn (see Exh. I to Petition, Ford v. Superior Court 233 Cal.Rptr. 607, 608 F.N. 1 (E)).

Recently the Court of Appeals, 1st District, declared that the practice of sealing public files pursuant to court stipulations is disfavored. Champion v. Superior Court 247 CR 624, at 630 (1988). The court noted that public documents and judicial records are open to the public and should not be sealed pursuant to stipulation. Further, courts have held that actions designed to keep relevant information from third parties are an obstruction of justice, and if such settlement agreements are



made order of the courts, they are judicial stamps to an obstruction of justice ( Mary R., Supra; Maryland C. Co. v. Fidelity & Casualty Co. of New York 71 Cal.App. 492 Contracts, Sec. 136-138 14 Cal.Jur.3d 364; Tiedje v. Aluminum Paper Milling Company 46 C.2d 450; Tappan v. Albany Brewing Company 80 Cal. 570.

The concept that invalidating of such a settlement agreement would unjustly enrich one party to the settlement was addressed and disregarded in Fong v. Miller 105 Cal.App.2d 411.

Throughout the Petition, Scientology argues the privacy of Scientology and Scientologists. We are dealing herein with a public trial of an action filed by Petitioners, in which at one time the entire record was available to the public. Despite their representations, it is clear from the record that the court never made any findings of privacy, but merely enforced a settlement agreement. In fact, the right to make the motion herein has been upheld in Ford, supra. Further, records have already been obtained by United States' governmental prosecutors. United States v. Zolin 809 F.2d 1411. It should be noted that when the government made its request for documents no alleged "right of privacy" stopped their delivery. See the minute order attached as Exh. K to the Petition and Zolin, supra.

Of interest, Petitioners cite Coalition Against Police Abuse v. Superior Court 170 Cal.App.3d 88. However, this case held that once documents were open to the public, they cannot thereafter be retroactively sealed. This is what Judge

Breckenridge initially did following the settlement, i.e., seal an already open public file per a settlement request.

It should be noted that it was cited in the record of November 9, 1988, that Judge Breckenridge had indicated to Judge Geernaert that he had "sealed it pursuant to the settlement; but otherwise he would have had no interest himself in sealing either his decision or the file..." (Exh. A to the Petition).

#### IV. CONCLUSION

In summation, the record of this case is as follows.

The herein case contains records, files, and documents relevant to the defense of four actions by Defendant Corydon. At one time the entire file was public, and thereafter was sealed pursuant to a settlement agreement of the parties that was thereafter made an order of the court. On November 9, 1988, the court acknowledged these facts and indicated that under law it could not maintain the sealing order.<sup>5</sup>

Petitioners could have filed a Petition for writ of Prohibition seeking a speedy appellate review. Instead, they have chosen to file an appeal, while seeking a stay of the order.

In effect, if successful, this will procedurally circumvent Corydon's attempt to obtain materials necessary for his defense as this appeal may not be resolved for two years.

It is clear, as a matter of law, that the court may not keep

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<sup>5</sup> Petitioners suggest that Defendant Corydon, having a copy of Exh. I, does not need the same. In fact, what he has is not a certified copy, nor is it complete (see Exh A, Declaration of Paul Morantz).


public records from the public and third party litigants based upon a settlement. Further, the court may not seal from the public a file that was once open to the public.

The record in this Petition has thus been misstated. The very granting of a stay would defeat the purposes for which the initial motion was made. Therefore it is respectfully requested that the herein Writ of Supersedeas, or other request for a stay order be denied.

We also recommend that the court make an inquiry as suggested in footnote 4.

Respectfully Submitted,

Date: 12 22 86

  
\_\_\_\_\_  
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Attorney For  
Real Party In Interest Corydon



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8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF LOS ANGELES

10 CHURCH OF SCIENTOLOGY OF  
11 CALIFORNIA,

12 Plaintiff,

13 vs.

14 GERALD ARMSTRONG

15 Defendant.  
16

17 MARY SUE HUBBARD,

18 Intervenor  
19

) CASE NO. C420153  
)  
)  
)

) NOTICE OF MOTION OF BENT  
) CORYDON TO UNSEAL FILE  
)  
)

) DATE: NOVEMBER 9, 1988  
) TIME: 9:00 A.M.  
) DEPT: 56  
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20 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

21 PLEASE TAKE NOTICE that on November 9, 1988, in DEPT 1 of the  
22 above entitled court, located at 111 N. Hill Street, Los Angeles  
23 CA 90012, at 10:30 a.m. or as soon thereafter as the matter may  
24 be heard, Bent Corydon will move the court for an order that:

25 THE HEREIN FILED BE UNSEALED

26 Said motion shall be based upon the attached declaration(s),  
27 points and authorities, the file, and such evidence and argument  
28 to be given.

DATE: 10-11-88

  
PAUL MORANTZ

Attorney for Bent Corydon

CHURCH OF SCIENTOLOGY OF  
CALIFORNIA,

Plaintiff,

VS.

GERALD ARMSTRONG

Defendant.

MARY SUE HUBBARD,

Intervenor

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DECLARATION OF PAUL MORANTZ

I, PAUL MORANTZ, do hereby declare as follows:

I am over the age of eighteen and if called to the stand and sworn under oath I could competently testify as follows:

1. I am the attorney for Bent Corydon in Judicial Council Coordination Proceeding No. 2151 relating to the cases of Jentzsch v. Corydon, Case No. NVC 14274, and Carmichael v. Corydon, Case No. 189 414. Each of these cases is a defamation case brought by a Scientologist claiming to be a President of a Scientology corporation against Mr. Corydon.

2. In addition, Mr. Corydon is a defendant in two other Scientology cases. In one, in Riverside, California, the Church of Scientology is suing for possession of property that Mr. Corydon's local congregation has following its splintering from the Church of Scientology. In said case, Mr. Corydon has cross-complained, including a cause of action for damages arising out of the use of Scientology's "fair game" (harassment) policies, Church of Scientology v. Corydon, case no. 154129. Mr. Corydon is also a defendant in a third defamation action brought by the Church of Scientology that is pending in the District of Columbia, Church of Scientology International v. Corydon, Case No. CA 8048-87.

3. Attached hereto as Exh. A is a copy of the Honorable Judge Paul Breckenridge's decision in the herein case making a finding that fair game existed and that Scientology took actions to harass its enemies. This is a key issue as it related to each of the above described actions. Thus, obtaining a certified copy of said judgment may become necessary for collateral estoppel



1 purposes. We attempted to obtain a certified copy but the clerk  
2 has advised us that there is a sealing order on the file.

3 4. It is germane to each of the above described cases to  
4 be able to show that necessary relevant information and records  
5 in possession of the Church of Scientology and its Presidents  
6 were knowingly destroyed in order to prevent production in  
7 similar litigation.

8 5. Attached hereto is the declaration of former  
9 Scientology official, Vicki Aznaran, indicating that Scientology  
10 intentionally destroyed documents sought in this herein case, and  
11 others. To prove the validity of her testimony, we wish to  
12 inspect the file and learn what orders for production of  
13 documents had in fact been made by Judge Breckenridge.

14 6. Scientologist Heber Jentzsch claims in his defamation  
15 action that Defendant Corydon wrongfully called him a liar.

16 7. One of the basis for Mr. Corydon's opinions concerning  
17 Mr. Jentzsch is that following Judge Breckenridge's decision in  
18 the herein case, when questioned concerning the same on a BBC  
19 Broadcast, Mr. Jentzsch suggested that the Judge Breckenridge  
20 decision was "Nazi" influenced. A true and correct transcript of  
21 Mr. Jentzsch's quote is attached as Exh. B. On the same BBC  
22 program, Mr. Jentzsch also stated that it can be verified in  
23 every court of law in the world that Scientology does not use  
24 private information taken from its followers confidential folders  
25 and disseminate them as blackmail. As can be seen from Exh. A,  
26 Judge Breckenridge made a specific finding that Scientology does.  
27 Mr. Jentzsch's false statement that every court of law has held  
28 that they do not is attached as Exh. C.

8. Attached as Exh. D are the Jentzsch and Carmichael complaints.

I declare under penalty of perjury that the above is true and correct to the best of my belief.

Executed on 12-11, 1988 at Los Angeles,  
California.

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10 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 COUNTY OF LOS ANGELES

12 CHURCH OF SCIENTOLOGY OF  
13 CALIFORNIA,

14 Plaintiff,

15 vs.

16 GERALD ARMSTRONG

17 Defendant.

18 MARY SUE HUBBARD,

19 Intervenor

) CASE NO. C420153  
)  
)

) MEMORANDUM OF POINTS AND  
) AUTHORITIES IN SUPPORT  
) OF MOTION OF BENT  
) CORYDON TO UNSEAL FILE

)  
)  
)  
) DATE: NOVEMBER 9, 1988  
) TIME: 9:00 a.m.  
) DEPT: 56



## I. INTRODUCTION

1. On August 10, 1984, the Honorable Judge Paul Breckenridge entered judgment in the case of THE CHURCH OF SCIENTOLOGY OF CALIFORNIA v. ARMSTRONG, Los Angeles Superior Court Case No. C 420153 (hereinafter "Armstrong"). It is plaintiffs' understanding, Judge Breckenridge found that the Church of Scientology (hereinafter "Scientology"), used "Fair Game Policy," and that the Church used information obtained through private counseling to harass members who subsequently left Scientology. We have been advised by the court clerk the case is currently under seal.

2. This office represents Bent Corydon whom two Scientologists, Heber Jentzsch and John Carmichael, have sued alleging he made libelous statements concerning them, i.e., they lie pursuant to Scientology policy, Judicial Council Coordination Proceeding No. 2151. In another Washington D.C. suit, Scientology claims it has been defamed by allegations it harasses.

3. Scientology, in a separate action, sued to regain a church building from a splintered Scientology group involving Bent Corydon. Corydon claims that the splintering from Scientology was directly caused by the application of Scientology's "Fair Game policy."

4. It is essential to the efficient, and equitable resolution of these cases that defendant be granted access to the opinion and documents currently under seal in Armstrong. Not only may there be relevant information, but the findings of facts may have collateral estoppel effect.

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II. RELIEF FROM THE PROTECTIVE ORDER  
SHOULD BE GRANTED IN LIGHT OF THE FACT THAT THE  
PRESENT CLAIMS AGAINST DEFENDANT CORYDON  
CONCERN DEFAMATION.

5. In an action concerning defamation, the nature of the claim is such that there is strong policy reason for opening documents under seal. As stated in the California Penal Code:

"In any action or proceeding based upon defamation, a court, upon a showing of good cause, may order any records sealed under this section to be opened and admitted into evidence. The records shall be confidential and shall be available for inspection only by the court, jury, parties, counsel for the parties, and any other person who is authorized by the court to inspect them. Upon the judgment in the action or proceeding becoming final, the court shall order the records sealed."

California Penal Code Section 1203.45 (f).

Furthermore, the judgment entered by Judge Breckenridge in Armstrong stated:

"In any other legal proceedings in which defense counsel, Contos and Punch and Michael J. Flynn, is of record, such counsel shall have the right to discuss such exhibits under seal, or their contents, if such is reasonably necessary and incidental to the proper representation of his or her client." FORD v. SUPERIOR COURT, 233 Cal. Rptr. 607, 608 F.N. 1 (e) (1986).

1           6.    Thus, it is clear that Judge Breckenridge intended that  
2 such information be available in subsequent litigation concerning  
3 the issues involved, and defendant in the present action should  
4 not be penalized for his failure to chose the above named  
5 attorneys and firms for representation.

6                   III.   RELIEF FROM THE PROTECTIVE ORDER  
7                   SHOULD BE GRANTED BECAUSE THE OPINION AND  
8                   DOCUMENTATION UNDER SEAL IN ARMSTRONG IS NECESSARY  
9                   AND RELEVANT TO THE INSTANT ACTION

10           7.    The Armstrong opinion, and documents admitted into  
11 evidence therein are necessary and relevant to the instant action  
12 as findings made in Armstrong will constitute collateral estoppel  
13 with regard to many of the issues and allegations in the present  
14 litigation.    In Armstrong, Judge Breckenridge made findings to  
15 the effect that Scientology used "fair game policy," and used  
16 information obtained through private counseling in order to  
17 harass members who had left Scientology.    Such findings  
18 constitute a bar against relitigation of the use by Scientology  
19 of such policies and methods.    These findings constitute  
20 conclusive evidence of proof of the matter stated in defense of  
21 the defamation actions brought by the Church of Scientology.

22           8.    The Armstrong opinion is also directly relevant to the  
23 claims brought by plaintiffs Jentzsch and Carmichael due to the  
24 fact that Jentzsch and Carmichael were/are high ranking members  
25 of the Church of Scientology, and as such were responsible for  
26 the application of "fair game policy."    The actions brought by  
27 both Jentzsch and Carmichael allege that defendant made false  
28 statements that Jentzsch and Carmichael lied pursuant to



1 "policy."

2 9. Plaintiff Jentzsch claims that Defendant Corydon  
3 defamed him by stating that Jentzsch lies. One statement made by  
4 Jentzsch and used by Defendant Corydon in his formulation of his  
5 conclusion that Jentzsch lies concerns a statement made by  
6 Jentzsch in a 1987 BBC broadcast wherein Jentzsch stated in  
7 essence that the Breckenridge opinion was Nazi influenced. For  
8 this reason it is essential that access to the file be granted so  
9 that Defendant Corydon will be able to prove the reasonableness  
10 of his conclusion that such statement was in fact a lie.

11 IV. RELIEF FROM THE PROTECTIVE ORDER  
12 SHOULD BE GRANTED IN ORDER TO PREVENT  
13 THE DESTRUCTION OR CONCEALMENT OF ESSENTIAL  
14 DOCUMENTATION BY THE CHURCH OF SCIENTOLOGY IN  
15 ACCORDANCE WITH SCIENTOLOGY POLICY

16 10. The documentation and opinion in the Armstrong case is  
17 essential to the instant action. It has come to our attention  
18 through the Declaration of Vicki J. Aznaran (see attached) that  
19 it is standard policy of the Church of Scientology to destroy or  
20 conceal documents discoverable and unfavorable to the Church of  
21 Scientology in ongoing litigation, including Armstrong. Ms.  
22 Aznaran further states that Scientology members are punished for  
23 failure to comply with such policy, even if failure to comply was  
24 inadvertent. For this reason it is highly unlikely that  
25 Defendant Corydon in the present action would be able to obtain  
26 necessary and essential documents under normal discovery  
27 procedures. Therefore, not only would denial of this motion  
28 result in unnecessary expense and repeated discovery, but would

1 likely result in denial of effective discovery by the defendant  
2 herein as well. Further, to prove the validity of Aznaran's  
3 declaration, we must review the discovery order in Armstrong

4 V. RELIEF FROM THE PROTECTIVE ORDER SHOULD BE  
5 GRANTED DUE TO STRONG POLICY REASONS CONCERNING  
6 PUBLIC DISCLOSURE AND PRIVATE DISCLOSURE FOR LITIGATION.

7 11. As recent as May 27, 1988, the Court of Appeals, First  
8 District, was confronted with the policy concerns surrounding the  
9 sealing of court documents, and found such orders to be  
10 disfavored. In CHAMPION v. SUPERIOR COURT, 247 Cal. Rptr. 624,  
11 630 (1988) the court stated:

12 "Applying these principals in the Appellate Court  
13 setting, we conclude that a party seeking to lodge  
14 or file a document under seal there is a heavy  
15 burden of showing the Appellate Court that the  
16 interest of the party and confidentiality  
17 outweighs the public policy in favor of open court  
18 records."

19  
20 "The law favors maximum public access to judicial  
21 proceedings and court records. Judicial records  
22 are historically and presumptuously open to the  
23 public and there is an important right of access  
24 which should not be closed except for compelling  
25 countervailing reasons. [omitted]"

26 12. In the case at bar, Defendant Corydon is moving only  
27 for private disclosure of the documents in question. Considering  
28 the strong public policy that court documents should be disclosed

1 to the public, it follows that the burden of showing the  
2 necessity of continuing to seal documents requested for private  
3 disclosure must be considerably greater. The sealing of court  
4 documents should only serve to protect the privacy of the  
5 individuals involved in the litigation, and should not act as a  
6 shield to avoid justice, much less as a sword to be used for the  
7 perpetration of injustice. If plaintiffs are so successful in  
8 denying defendant access to the documents this motion is intended  
9 to release, they will in effect be using the protective order to  
10 deny defendant Corydon direct evidence in support of his defense  
11 of multiple Scientology actions.

## 12 VI. CONCLUSION

13 13. The opinion of Judge Breckenridge in the Armstrong  
14 case, and the documents admitted into evidence therein, are  
15 essential to Defendant Corydon's cases, and will likely act as  
16 collateral estoppel plus it will be relevant to issues of  
17 document destruction. The consideration of the strong public  
18 policy of court documents open to the public, the limited  
19 dissemination concerned in the present motion, as well as the  
20 high probability that if access to the protected documents is  
21 denied such information will be unattainable by Defendant Corydon  
22 due to Scientology policy of discovery abuse, Defendant Corydon  
23 respectfully requests this Court to grant access to the sealed  
24 records in THE CHURCH OF SCIENTOLOGY OF CALIFORNIA v. GERALD  
25 ARMSTRONG and any related actions.

26  
27 Dated: \_\_\_\_\_

28 \_\_\_\_\_  
Paul Morantz,  
A PROFESSIONAL CORPORATION  
Attorney for Defendant Corydon



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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

VICKI J. AZNARAN and RICHARD N.  
AZNARAN,

Plaintiffs,

vs.

CHURCH OF SCIENTOLOGY OF  
CALIFORNIA, INC., CHURCH OF  
SPIRITUAL TECHNOLOGY, INC.,  
SCIENTOLOGY MISSIONS INTERNATIONAL  
INC., RELIGIOUS TECHNOLOGY CENTI  
INC., AUTHOR SERVICES, INC., CHI  
OF SCIENTOLOGY INTERNATIONAL, II  
CHURCH OF SCIENTOLOGY OF LOS  
ANGELES, INC., MISSION OFFICE  
WORLDWIDE, AUTHOR FAMILY TRUST,  
THE ESTATE OF L. RON HUBBARD,  
DAVID MISCAVIAGE, and NORMAN  
STARKEY,

Defendants.

Case No. : CV-88-1786-  
JMI (Ex)

DECLARATION OF  
VICKI J. AZNARAN

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DECLARATION OF VICKI J. AZNARAN

I, Vicki J. Aznaran, make the following declarations on personal knowledge except where the context indicates knowledge based upon information and belief.

1. My husband Richard Aznaran and I are plaintiffs in the instant action wherein defendants (hereinafter referred to collectively as "Scientology") have moved to strike our entire complaint and to prevent our attorneys from representing us.

2. As set forth in more detail below, my husband and I were involved with Scientology for approximately 15 years. For much of that time we were members of an organization known as the Sea Organization. This organization is an elite organization within Scientology. The Sea Organization has considerable influence and control over Scientology organizations. Generally, Sea Organization members hold the management posts within Scientology.

3. In 1978, after approximately four years as staff members, my husband and I joined the Sea Organization. From 1978 to early 1987, my husband and I worked most of our waking hours, with very few days off, at our various assignments within Scientology. I eventually became President of Religious Technology Center and, supposedly, the top "ecclesiastical" authority within Scientology. Richard was a high-level security officer. During this period my husband and I became intimately familiar with the structure and activities of various Scientology organizations. Among other things, I was briefed on and sometimes a participant in meetings involving litigation tactics and various means used to attack and fight "enemies" of Scientology. In

1 numerous instances I was in the chain of command or approval for  
2 such activities. The legal strategy of Scientology and the  
3 existence of numerous potential legal problems, some of which are  
4 set forth below, were known to me when I was a staff member in  
5 Scientology. Contrary to what I understand to be claimed by  
6 defendants herein, Mr. Yanny did not reveal to me the legal  
7 strategies or secrets of Scientology. Nor did Mr. Yanny invent or  
8 open my eyes to the wrongs that I had suffered at the hands of  
9 Scientology.

10 4. I have become an "enemy" of Scientology. This has  
11 certain consequences that will influence what Scientology will do  
12 in this litigation. For example, it is important to understand  
13 that their value system allows dishonesty if done in the name of  
14 Scientology.

15 5. Enemies of Scientology are deemed to be "suppressive  
16 persons" ("SPs"). One becomes a "suppressive person" by doing a  
17 suppressive act, such as suing Scientology as a litigant or  
18 lawyer. In the jargon of Scientology, when one is "declared" this  
19 means that one has been declared a "suppressive person" and,  
20 therefore, may be harassed, hurt, damaged or destroyed without  
21 regard to truth, honesty or legal rights. It is considered  
22 acceptable within Scientology to lie, cheat, steal and commit  
23 illegal acts in the name of dealing with a "suppressive person".

24 6. This practice or policy is sometimes referred to as the  
25 policy of "fair game". In the jargon of Scientology, a person who  
26 is "declared" is understood to be a suppressive person. This  
27 means that the person is "fair game". The fair game policy was  
28 issued in the 1960s. It was never cancelled. A document was



1 issued for public relations reasons that purportedly cancelled  
2 "fair game"; however, that document stated that it did not change  
3 the manner of handling persons declared "SP." In reality, the  
4 purported cancellation of fair game is at most a matter of  
5 semantics. Enemies of Scientology are treated as "fair game."

6 7. It is my understanding, and I have so testified in my  
7 deposition, that when my husband and I escaped from Scientology we  
8 were not immediately declared suppressive persons or subjected to  
9 the fair game policy. Among other things, we were compelled to do  
10 certain things and sign various documents to escape and avoid  
11 being subjected to fair game treatment. As we have now sued  
12 Scientology, we are "fair game".

13 8. From 1984 through early 1987, I was President of  
14 Religious Technology Center (hereinafter "RTC"). As President of  
15 RTC and a Sea Organization member, I attended many meetings  
16 concerning the numerous legal actions involving Scientology  
17 organizations. During this time period, I had personal access to  
18 all legal documents having to do with RTC. I received a report  
19 every day on my computer that included a synopsis of each ongoing  
20 legal case involving Scientology. I received, or so I was told,  
21 copies of every major motion filed in cases involving Scientology.  
22 I was on the "approval lines" for legal documents dealing with  
23 RTC. During this time period, I had the option of attending legal  
24 meetings although some were mandatory. I attended many litigation  
25 meetings and became generally aware of Scientology's dirty tricks  
26 and legal maneuvers. On specifics, I frequently deferred to  
27 in-house and outside counsel, however, at least in theory, I was  
28 the head of RTC and had access to any business or litigation

1 "secrets" of Scientology.

2 9. As President of RTC, I was one of those responsible for  
3 retaining the services of Joseph Yanny as counsel for Scientology  
4 organizations. I supervised and worked with Mr. Yanny who served  
5 as coordinating attorney for RTC in 1985. I am not aware of any  
6 legal or corporate information concerning RTC that was available  
7 to Mr. Yanny but not available to me.

8 10. I am informed and believe that various Scientology  
9 organizations are contending that Mr. Yanny has somehow improperly  
10 educated me on the legal maneuvers, tactics and affairs of  
11 Scientology. Although such claims are consistent with litigation  
12 tactics of Scientology, which are not constrained by considera-  
13 tions such as truth and reality, the proposition that I need  
14 Mr. Yanny to educate me on the internal affairs of Scientology is  
15 simply wrong. I was one of the highest ranking members of  
16 Scientology and was involved in upper management. Mr. Yanny was a  
17 lawyer hired by management, of which I was a part, to work for it.  
18 Further, it was the practice during the time period in question to  
19 screen the information given to outside counsel such as Mr Yanny.

20 11. It is the stated policy and practice of Scientology to  
21 use the legal system to abuse and harass its enemies. This crude,  
22 fundamental directive of Scientology is no secret. In any event,  
23 this information did not come to me from Mr. Yanny. The policy is  
24 to do anything and everything possible to harass the opposing  
25 litigant without regard to whether any particular motion or  
26 maneuver is appropriate or warranted by the facts or applicable  
27 law. That policy was followed in every legal case I was involved  
28 with or learned about while a member of the Sea Organization. The

1 management of Scientology consistently expressed and demonstrated  
2 a complete disdain for the court system viewing it as nothing more  
3 than a method to harass enemies. Some examples of this are set  
4 forth below.

5 12. During litigation between Gerald Armstrong and  
6 Scientology, which was before Judge Breckenridge of Superior Court  
7 for Los Angeles County, the court ordered the production of  
8 Armstrong's pre-clear ("PC") folders. These are files maintained  
9 by Scientology on those who submit to interrogation sessions in a  
10 process called auditing. During the course of that litigation I  
11 was ordered to go through Armstrong's folders and destroy or  
12 conceal anything that might be damaging to Scientology or helpful  
13 to Armstrong's case. As ordered, I went through the files and  
14 destroyed contents that might support Armstrong's claims against  
15 Scientology. This practice is known within Scientology as  
16 "culling PC folders" and is a common litigation tactic employed by  
17 Scientology.

18 13. During other litigation in Los Angeles known to me as  
19 the Wollersheim case, I was told that the judge had ordered the  
20 production of Wollersheim's folders. As ordered, I "culled" these  
21 files. In other words, I removed contents that might have been  
22 damaging to Scientology or support Wollersheim's claims against  
23 Scientology. For example, I removed evidence of events involving  
24 his family, the anguish this caused him, evidence of disconnection  
25 from family and evidence of fair game.

26 14. I was involved in numerous meetings concerning what is  
27 known to me as the Christofferson case in Portland, Oregon. This  
28 case was tried twice. In the first case, a Scientology witness by



1 the name of Martin Samuels was coached and drilled for hours on  
2 how to lie convincingly or avoid telling the truth. Before or  
3 during the second trial he admitted to this course of conduct. In  
4 this litigation, a Scientologist by the name of Joan Shriver  
5 produced responsive documents that may have been incriminating.  
6 This was a serious breach of policy for which she was punished.  
7 These documents were ordered produced on such short notice that  
8 apparently files were not thoroughly "culled". In another case,  
9 Mr. Yanny was severely criticized and almost fired for failing to  
10 properly coach and feed the desired answers to Heber Jentzsch.  
11 Mr. Jentzsch was, for public relations reasons, the purported head  
12 of the Church of Scientology International. During his deposi-  
13 tion, Mr. Jentzsch was unable to answer fundamental questions  
14 concerning the management of Church of Scientology International.  
15 This may be what certain defendants are referring to when they say  
16 that they were dissatisfied with Mr. Yanny's services and I  
17 protected him. There were those, including McShane, who were  
18 outraged by the embarrassing testimony of Mr. Jentzsch. This was  
19 blamed on Mr. Yanny. I did not wish to discontinue using  
20 Mr. Yanny at RTC for this perceived problem.

21 15. In November, 1985, I was present at a meeting whereat  
22 Earle Cooley, a Scientologist lawyer, Lyman Spurlock and Norman  
23 Starkey, all high ranking Scientologists, announced that they were  
24 going to contact Judge Mariana Pfaelzer. Earlier that day Judge  
25 Pfaelzer had denied a Scientology motion for a temporary  
26 restraining order. After losing on the application there was a  
27 meeting to determine what to do about the situation. At the  
28 meeting Mr. Cooley had a file that purportedly contained

1 background and personal information on Judge Pfaelzer. During the  
2 meeting Mr. Cooley and the others announced that they were going  
3 to attempt to meet with Judge Pfaelzer that evening, at her house  
4 if necessary, concerning the litigation in which the temporary  
5 restraining order had been sought. Thereafter, Mr. Cooley and two  
6 others left with their file on Judge Pfaelzer. They returned  
7 several hours later at which time I was told that their attempts  
8 to contact Judge Pfaelzer had been unsuccessful.

9 16. In late 1979 and early 1980, there was a massive docu-  
10 ment destruction program undertaken to destroy any evidence  
11 showing that L. Ron Hubbard ("LRH") controlled Scientology. I  
12 participated in this activity in Clearwater, Florida and am  
13 informed that there was also intensive document destruction at  
14 facilities in Gilman Hot Springs, California. From at least that  
15 point onward there was a continuous effort to hide or destroy any  
16 evidence of Hubbard's control. For example, during an IRS in-  
17 vestigation in 1984 and 1985, while in bed with pneumonia, I was  
18 ordered out of bed by Norman Starkey who told me that they had  
19 received a tip from a Los Angeles Police officer advising them of  
20 a pending IRS raid in Los Angeles. Mr. Starkey ordered me to go  
21 to a computer facility and insure that all information on the  
22 computers in Los Angeles that might show Hubbard's involvement and  
23 control of Scientology's money was destroyed except for one copy  
24 of each document. These copies were to be saved on computer discs  
25 which were to be hidden in secure storage places. At the time I  
26 was also instructed to destroy anything that would show the  
27 control of Mr. Starkey or Mr. Miscavige over Scientology.

28 17. I have been informed and believe that a an improper

1 affidavit was filed in a case brought by L. Ron Hubbard, Jr. in  
2 Riverside, California. The circumstances were as follows: The  
3 document purported to be an affidavit of L. Ron Hubbard. The  
4 signature of Hubbard was purportedly notarized by David Miscavige.  
5 It is my understanding that this affidavit caused the case to be  
6 dismissed. Subsequently, I was told by Pat Broeker, who had been  
7 living with Hubbard at the time, and by Miscavige, that Miscavige  
8 had not seen Hubbard between 1980 and Hubbard's death in 1986.  
9 Accordingly, the affidavit was apparently signed, notarized and  
10 dated during a time period when Hubbard was in seclusion and not  
11 seen by the person who purportedly notarized the signature of  
12 Hubbard.

13 18. In or about 1981, while working in a Scientology organi-  
14 zation known as the Guardian's Office, I had access to and  
15 observed various written and oral communications pertaining to  
16 illegitimate activities participated in by the Guardian's Office.  
17 The Guardian's Office attempted to infiltrate both governmental  
18 and private agencies including the IRS, the Department of Justice,  
19 the American Medical Association and the National Institute of  
20 Mental Health. The purpose of this was to steal documents pur-  
21 suant to Hubbard's "Snow White" program. The goal of this program  
22 was to eliminate any negative reports about Hubbard and  
23 Scientology that may have been held by these various agencies.

24 19. While involved in Scientology I became aware of various  
25 operations directed against an author who had written a negative  
26 book about Scientology. The author, Paulette Cooper, was sub-  
27 jected to various forms of harassment. One operation included an  
28 attempt to frame her. A false bomb threat was written. A



1 Scientology agent lifted a fingerprint from Cooper's apartment.  
2 These fingerprints were then transferred to the bomb threat  
3 letter. Ms. Cooper was subjected to an investigation and was not  
4 cleared until an FBI raid resulted in the seizure of Scientology  
5 documents that exposed the operation as a frame-up. There was at  
6 least one other operation directed against Ms. Cooper. The  
7 substance of it was to plant a boyfriend to reinforce and play  
8 upon her suicidal tendencies in the hopes that she would commit  
9 suicide.

10 20. In 1976 and 1977, the then Mayor of Clearwater, Florida,  
11 Gabe Cazares was involved with litigation against Scientology.  
12 Arrangements were made to have an attorney by the name of Merril  
13 Vanniere, a Scientologist, represent Mr. Cazares and sabotage his  
14 case. This plot was also exposed by documents obtained in an FBI  
15 raid of a Scientology facility. Also, in response to Mr. Cazares'  
16 litigation against Scientology, an attempt was made to implicate  
17 Mr. Cazares in a staged hit-and-run accident.

18 21. During the time period of my involvement with  
19 Scientology, I also learned of various attempts to influence  
20 judges or force their removal from cases. For example, a private  
21 investigator named Dick Bast obtained a statement from a prosti-  
22 tute concerning involvement with a certain judge in Washington,  
23 D.C. who was sitting on a Scientology case. This was then pub-  
24 licized. The judge did not continue on the case. The same  
25 investigator, Dick Bast was also hired for the purpose of at-  
26 tempting to force the removal of a judge in Tampa, Florida. This  
27 involved what I know as the Burden case, which was civil litiga-  
28 tion brought by Michael Flynn. Dick Bast secured a yacht and

1 attempted to get the judge on board for the purpose of filming him  
2 under compromising circumstances. The judge declined to go  
3 yachting and the operation was unsuccessful. Approximately  
4 \$250,000.00 was spent on the operation.

5 22. I have been informed by Mark (Marty) Rathbun, a high  
6 ranking Scientologist, that his private investigator, Gene Ingram,  
7 "fed" a confession to Ala Tamimi when visiting him in an Italian  
8 prison. This false confession was, in substance, that Tamimi had  
9 been involved in a bad check scam involving an account of L. Ron  
10 Hubbard. This false confession implicated attorney Michael Flynn  
11 in the check scam. Michael Flynn was at the time considered a  
12 major enemy of Scientology because he represented numerous clients  
13 with claims against Scientology. This purported confession was  
14 used to slander and attack Michael Flynn. Michael Flynn has also  
15 been sued by Scientology as part of its "strategy" for handling  
16 enemies.

17 23. During an IRS criminal investigation in the 1984 to 1985  
18 time period, the IRS ordered production of various communications  
19 between Hubbard and Author Services, Inc. (ASI). The ASI staff  
20 worked literally day and night for several days reviewing docu-  
21 ments so that unfavorable documents could be destroyed or other-  
22 wise concealed from the IRS. Lyman Spurlock and Marion M. Dendui,  
23 Scientologists involved in this operation, informed me of this  
24 operation. Also during this IRS investigation, my husband, Rick  
25 Aznaran, was ordered to remove and conceal any incriminating  
26 documents from certain locations. He was also directed to make  
27 the computer network "raid proof". This involved creating a  
28 system where incriminating documents could be deleted from

1 computer storage rapidly and before the IRS could obtain control  
2 over the computers.

3 24. In 1985, I attended a conference on "squirrels" attended  
4 by Miscavige, Starkey, Spurlock, and McShane, members of top  
5 management, and others. In Scientology jargon, "squirrels" are  
6 people who use or practice some procedures also used by  
7 Scientology but who do not submit to the total control of the  
8 Scientology organization and, perhaps most importantly, who do not  
9 pay a percentage of their auditing or counseling fees to  
10 Scientology. At this meeting, David Miscavige ordered that public  
11 Scientologists be organized and motivated to physically attack  
12 squirrels and disrupt their operations. This was stated to be  
13 pursuant to the standard guidelines of Scientology. Pursuant to  
14 such directives, efforts were undertaken to intimidate and disrupt  
15 these persons and their organizations.

16 25. In 1981, operation "Juggernaut" was commenced. The  
17 purpose of this was to destroy Michael Flynn who, as stated above,  
18 was representing various plaintiffs with litigation against  
19 Scientology. This operation contemplated the use of infiltration,  
20 propaganda and attempts to persuade clients to turn against him.

21 26. The Guardians' Office got into so much trouble, and  
22 worse yet got caught, that it was decided in the early 1980's that  
23 the Guardians' Office should be disbanded. This was purely a  
24 public relations gimmick. In short, it was decided that the  
25 Guardians' Office and Mary Sue Hubbard, its then leader, were to  
26 take the rap for all criticism and improper conduct. This scheme  
27 was laid out in various written communications I observed in 1981  
28 and 1982. (Of course, I was not allowed to keep or escape from



1 Scientology with any such incriminating documents.)

2 27. Since the early 1970's, Scientology has operated a  
3 forced labor camp known as the Rehabilitation Project Force  
4 ("RPF"). Staff members are incarcerated in the RPF for various  
5 real or imagined offense. People confined at this camp are forced  
6 to perform hard physical labor every day. They eat rice and  
7 beans, or left-overs, and wear rags. They are deprived of suf-  
8 ficient sleep. In 1987, I was confined in such a camp at Happy  
9 Valley for approximately six weeks. I worked all day and was  
10 confined in a room at night. To the best of my knowledge I was  
11 guarded 24 hours a day. They would not even let me shower alone.  
12 I had to obtain permission to use a bathroom. I was ill and not  
13 allowed to obtain medical treatment. I was not allowed to com-  
14 municate with my husband nor was I allowed to obtain adequate  
15 sleep. I was told that I had gone insane and that my husband did  
16 not want to communicate with me. I was physically and psycho-  
17 logically abused both at Happy Valley and for numerous days  
18 thereafter in a process called "security checking". Much over-  
19 simplified, I was grilled on a primitive lie detector called an  
20 E-Meter and made to understand that I would not be released, have  
21 my property returned, or escape fair game policy unless I even-  
22 tually gave all of the "right" answers. Examples of "right"  
23 answers were responses that I would not talk to a lawyer or  
24 consider suing Scientology. I had to give such answers before  
25 being released.

26 28. Recovering from the years of brainwashing, thought  
27 control and propaganda to which Scientology subjected me is a  
28 gradual process that I do not fully understand. I am not a

1 psychologist or psychiatrist and do not fully understand the  
2 ramifications of what I have been through although I can observe  
3 and experience many symptoms. I have many nightmares and a fear  
4 of Scientology.

5 29. The suit brought by Richard Aznaran and myself is based  
6 upon real events that happened to real people, namely us. Just as  
7 my husband and I do not need Mr. Yanny to educate us on any  
8 secrets of Scientology, it is simply untrue that our claims were  
9 somehow invented or manufactured by Mr. Yanny. The whimsical  
10 notion that Mr. Yanny invented this litigation through my husband  
11 and me is simply false.

12 30. My husband and I consider Mr. Yanny to be a friend.  
13 Further, it might be noted that Mr. Yanny was to serve as my  
14 personal counsel in a class action against Scientology and  
15 numerous individuals including myself. Recent events have changed  
16 this, however, there was a period of time when Mr. Yanny was  
17 purportedly designated as my personal counsel with the approval of  
18 Scientology.

19 31. My husband and I feel quite strongly that we want Barry  
20 Van Sickle and the firm of Cummins & White to represent us in this  
21 case. Our reasons are both subjective and objective. We do not  
22 wish to list our subjective reasons, although we will do so if the  
23 Court requests it. Objectively, it might be noted that we had  
24 considerable difficulty finding counsel willing and in a position  
25 to undertake this extremely volatile, time consuming and expensive  
26 litigation. We are unable to pay hourly rates to pursue our  
27 claims and need a firm willing to work with us on a contingency  
28 fee basis. I anticipate great difficulty, delay and prejudice if

1 forced to find other counsel.

2 32. Based upon my experience within Scientology and as a  
3 litigant against it, I understand that this is not routine liti-  
4 gation. If I am forced to find other counsel, prospective counsel  
5 will be presented with the following situation:

6 (a) A complex case that must be handled on a contin-  
7 gency fee and cost-advanced basis;

8 (b) A case that requires a litigation team and sub-  
9 stantial financial resources;

10 (c) A case involving an opponent who has a practice and  
11 history of suing opposing lawyers as a tactic in addition to  
12 subjecting opposing lawyers to surveillance, depositions, infil-  
13 tration, bad publicity and the full ramifications of the fair game  
14 policy;

15 (d) A case where the opponent is not constrained by a  
16 need to be cost effective, truthful, honest or reasonable; and

17 (e) A case that requires extraordinary security  
18 precautions.

19 I declare under penalty of perjury under the laws of the  
20 State of California that the foregoing is true and correct.

21 Executed this 9 day of August, 1988, in Dallas, Texas.

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24 VICKI J. AZNARAN  
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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF LOS ANGELES  
10

11 CHURCH OF SCIENTOLOGY OF CALIFORNIA, )

No. C 420153

12 Plaintiff, )

MEMORANDUM OF  
INTENDED DECISION

13 vs. )

14 GERALD ARMSTRONG, )

15 Defendant. )

16 MARY SUE HUBBARD, )  
17 )  
18 )

Intervenor. )  
19  
20

21 In this matter heretofore taken under submission, the  
22 Court announces its intended decision as follows:

23 As to the tort causes of action, plaintiff, and plaintiff  
24 in intervention are to take nothing, and defendant is entitled  
25 to Judgment and costs.

26 As to the equitable actions, the court finds that neither  
27 plaintiff has clean hands, and that at least as of this time,  
28 are not entitled to the immediate return of any document or  
objects presently retained by the court clerk. All exhibits

Ex A-1-

1 received in evidence or marked for identification, unless  
2 specifically ordered sealed<sup>1</sup>, are matters of public record and  
3 shall be available for public inspection or use to the same  
4 extent that any such exhibit would be available in any other  
5 lawsuit. In other words they are to be treated henceforth no  
6 differently than similar exhibits in other cases in Superior  
7 Court. Furthermore, the "inventory list and description," of  
8 materials turned over by Armstrong's attorneys to the court,  
9 shall not be considered or deemed to be confidential, private,  
10 or under seal.

11 All other documents or objects presently in the possession  
12 of the clerk (not marked herein as court exhibits) shall be  
13 retained by the clerk, subject to the same orders as are  
14 presently in effect as to sealing and inspection, until such  
15 time as trial court proceedings are concluded as to the severed  
16 cross complaint. For the purposes of this Judgment, conclusion  
17 will occur when any motion for a new trial has been denied, or  
18 the time within such a motion must be brought has expired  
19 without such a motion being made. At that time, all documents  
20 neither received in evidence, nor marked for identification  
21 only, shall be released by the clerk to plaintiff's  
22 representatives. Notwithstanding this order, the parties may  
23

25<sup>1</sup> Exhibits in evidence No. 1 1-40; JJJ; KKK; LLL; MMM;  
NNN; OOO; PPP; QQQ; RRR; and 500-QQQQ.

26 Exhibits for identification only No. JJJJ; Series  
27 500-DDDD, EEEE, FFFF, GGGG, HHHH, IIII, NNNN-1, OOOO, 7777,  
CCCCC, GGGGG, IIIII, EEEFE, LLLLL, CCCCCO, PPPPP, QQQQL, BBBBBB,  
28 CCCCCC, BBBBBB.



1 "Section 418: An agent is privileged to protect  
2 interests of his own which are superior to those of the  
3 principal, even though he does so at the expense of the  
4 principal's interest or in disobedience to his orders."

5 Restatement of torts, Second, section 271:

6 "One is privileged to commit an act which would  
7 otherwise be a trespass to or a conversion of a chattel in  
8 the possession of another, for the purpose of defending  
9 himself or a third person against the other, under the  
10 same conditions which would afford a privilege to inflict  
11 harmful or offensive contact upon the other for the same  
12 purpose."

13 The Restatement of Torts, Second, section 652a, as well as  
14 case law, make it clear that not all invasions of privacy are  
15 unlawful or tortious. It is only when the invasion is  
16 unreasonable that it becomes actionable. Hence, the trier of  
17 fact must engage in a balancing test, weighing the nature and  
18 extent of the invasion, as against the purported justification  
19 therefore to determine whether in a given case, the particular  
20 invasion or intrusion was unreasonable.

1 In addition the defendant has asserted as a defense the  
2 principal involved in the case of Willig v. Gold, 75  
3 Cal.App.2d, 809, 814, which holds that an agent has a right or  
4 privilege to disclose his principal's dishonest acts to the  
5 party prejudicially affected by them.

Plaintiff Church has asserted and obviously has certain  
rights arising out of the First Amendment. Thus, the court  
cannot, and has not, inquired into or attempted to evaluate the



1 merits, accuracy, or truthfulness of Scientology or any of its  
2 precepts as a religion. First Amendment rights, however,  
3 cannot be utilized by the Church or its members, as a sword to  
4 preclude the defendant, whom the Church is suing, from  
5 defending himself. Therefore, the actual practices of the  
6 Church or its members, as it relates to the reasonableness of  
7 the defendant's conduct and his state of mind are relevant,  
8 admissible, and have been considered by the court.

9 As indicated by its factual findings, the court finds the  
10 testimony of Gerald and Jocelyn Armstrong, Laurel Sullivan,  
11 Nancy Dincalcis, Edward Walters, Omar Garrison, Kima Douglas,  
12 and Howard Schomer to be credible, extremely persuasive, and  
13 the defense of privilege or justification established and  
14 corroborated by this evidence. Obviously, there are some  
15 discrepancies or variations in recollections, but these are the  
16 normal problems which arise from lapse of time, or from  
17 different people viewing matters or events from different  
18 perspectives. In all critical and important matters, their  
19 testimony was precise, accurate, and rang true. The picture  
20 painted by these former dedicated Scientologists, all of whom  
21 were intimately involved with LRH, or Mary Jane Hubbard, or of  
22 the Scientology Organization, is on the one hand pathetic, and  
23 on the other, outrageous. Each of these persons literally gave  
24 years of his or her respective life in support of a man, LRH,  
25 and his ideas. Each has manifested a waste and loss or  
26 frustration which is incapable of description. Each has broken  
27 with the movement for a variety of reasons, but at the same  
28 me, each is, still bound by the knowledge that the Church has

1 in its possession his or her most inner thoughts and  
2 confessions, all recorded in "pre-clear (P.C.) folders" or  
3 other security files of the organization, and that the Church  
4 or its minions is fully capable of intimidation or other  
5 physical or psychological abuse if it suits their ends. The  
6 record is replete with evidence of such abuse.

7 In 1970 a police agency of the French Government conducted  
8 an investigation into Scientology and concluded, "this sect,  
9 under the pretext of 'freeing humans' is nothing in reality but  
10 a vast enterprise to extract the maximum amount of money from  
11 its adepts by (use of) pseudo-scientific theories, by (use of)  
12 'auditions' and 'stage settings' (lit. to create a theatrical  
13 scene') pushed to extremes (a machine to detect lies, its own  
14 particular phraseology . ! ), to estrange adepts from their  
15 families and to exercise a kind of blackmail against persons  
16 who do not wish to continue with this sect."<sup>2</sup> From the  
17 evidence presented to this court in 1984, at the very least,  
18 similar conclusions can be drawn. In addition to violating and  
19 abusing its own members civil rights, the organization over the  
20 years with its "Fair Game" doctrine has harassed and abused  
21 those persons not in the Church whom it perceives as enemies.  
22 The organization clearly is schizophrenic and paranoid, and  
23 this bizarre combination seems to be a reflection of its  
24 founder LRH. The evidence portrays a man who has been  
25 virtually a pathological liar when it comes to his history,  
26  
27



1 background, and achievements. The writings and documents in  
2 evidence additionally reflect his egoism, greed, avarice, lust  
3 for power, and vindictiveness and aggressiveness against  
4 persons perceived by him to be disloyal or hostile. At the  
5 same time it appears that he is charismatic and highly capable  
6 of motivating, organizing, controlling, manipulating, and  
7 inspiring his adherents. He has been referred to during the  
8 trial as a "genius," a "revered person," a man who was "viewed  
9 by his followers in awe." Obviously, he is and has been a very  
10 complex person, and that complexity is further reflected in his  
11 alter ego, the Church of Scientology. Notwithstanding  
12 protestations to the contrary, this court is satisfied that LRH  
13 runs the Church in all ways through the Sea Organization, his  
14 role of Commodore, and the Commodore's Messengers.<sup>3</sup> He has, of  
15 course, chosen to go into "seclusion," but he maintains contact  
16 and control through the top messengers. Seclusion has its  
17 light and dark side too. It adds to his mystique, and yet  
18 shields him from accountability and subpoena or service of  
19 summons.

20 LRH's wife, Mary Sue Hubbard is also a plaintiff herein.  
21 On the one hand she certainly appeared to be a pathetic  
22 individual. She was forced from her post as Controller,  
23 convicted and imprisoned as a felon, and deserted by her  
24 husband. On the other hand her credibility leaves much to be  
25 desired. She struck the familiar pose of not seeing, hearing,  
26

---

27 3. See Exhibit K: Flag Order 3729 - 15 September 1978  
28 "Commodore's Messengers."



1 or knowing any evil. Yet she was the head of the Guardian  
2 Office for years and among other things, authored the infamous  
3 order "GO 121669"<sup>4</sup> which directed culling of supposedly  
4 confidential P.C. files/folders for purposes of internal  
5 security. In her testimony she expressed the feeling that  
6 defendant by delivering the documents, writings, letters to his  
7 attorneys, subjected her to mental rape. The evidence is clear  
8 and the court finds that defendant and Omar Garrison had  
9 permission to utilize these documents for the purpose of  
0 Garrison's proposed biography. The only other persons who were  
1 shown any of the documents were defendant's attorneys, the  
2 Douglasses, the Dincalcis, and apparently some documents  
3 specifically affecting LRM's son "Nibs," were shown to "Nibs."  
4 The Douglasses and Dincalcises were disaffected Scientologists  
5 who had a concern for their own safety and mental security, and  
6 were much in the same situation as defendant. They had not  
7 been declared as suppressive, but Scientology had their P.C.  
8 folders, as well as other confessions, and they were extremely  
9 apprehensive. They did not see very many of the documents, and  
0 it is not entirely clear which they saw. At any rate Mary Sue  
1 Hubbard did not appear to be so much distressed by this fact,  
2 as by the fact that Armstrong had given the documents to  
3 Michael Flynn, whom the Church considered its foremost

lawyer-enemy.<sup>5</sup> However, just as the plaintiffs have First Amendment rights, the defendant has a Constitutional right to an attorney of his own choosing. In legal contemplation the fact that defendant selected Mr. Flynn rather than some other lawyer cannot by itself be tortious. In determining whether the defendant unreasonably invaded Mrs. Hubbard's privacy, the court is satisfied the invasion was slight, and the reasons and justification for defendant's conduct manifest. Defendant was told by Scientology to get an attorney. He was declared an enemy by the Church. He believed, reasonably, that he was subject to "fair game." The only way he could defend himself, his integrity, and his wife was to take that which was available to him and place it in a safe harbor, to wit, his lawyer's custody. He may have engaged in overkill, in the sense that he took voluminous materials, some of which appear only marginally relevant to his defense. But he was not a lawyer and cannot be held to that precise standard of judgment. Rather, at the time that he was accumulating the material, he was terrified and undergoing severe emotional turmoil. The court is satisfied that he did not unreasonably intrude upon Hubbard's privacy under the circumstances by in effect by making his knowledge that of his attorneys. It is, of course, rather ironic that the person who authorized G.O. order 9 should complain about an invasion of privacy. The

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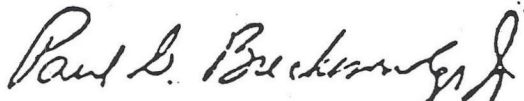
. "No, I think my emotional distress and upset is the fact that someone took papers and materials without my authorization and then gave them to your Mr. Flynn."  
r's Transcript, p. 1006.



1 practice of culling supposedly confidential "P.C. folders or  
2 files" to obtain information for purposes of intimidation  
3 and/or harassment is repugnant and outrageous. The Guardian's  
4 Office, which plaintiff headed, was no respecter of anyone's  
5 civil rights, particularly that of privacy. Plaintiff Mary Sue  
6 Hubbard's cause of action for conversion must fail for the same  
7 reason as plaintiff Church. The documents were all together in,  
8 Omar Garrison's possession. There was no rational way the  
9 defendant could make any distinction.

10 Insofar as the return of documents is concerned, matters  
11 which are still under seal may have evidentiary value in the  
12 trial of the cross complaint or in other third party  
13 litigation. By the time that proceedings on the cross  
14 complaint are concluded, the court's present feeling is that  
15 those documents or objects not used by that time should be  
16 returned to plaintiff. However, the court will reserve  
17 jurisdiction to reconsider that should circumstances warrant.

18 Dated: June 20, 1984

19   
20 \_\_\_\_\_  
21 PAUL G. BRECKENRIDGE, JR.  
22 Judge of the Superior Court  
23  
24  
25  
26  
27  
28



## Appendix

Defendant Armstrong was involved with Scientology from 1969 through 1981, a period spanning 12 years. During that time he was a dedicated and devoted member who revered the founder, L. Ron Hubbard. There was little that Defendant Armstrong would not do for Hubbard or the Organization. He gave up formal education, one-third of his life, money and anything he could give in order to further the goals of Scientology, goals he believed were based upon the truth, honesty, integrity of Hubbard and the Organization.

From 1971 through 1981, Defendant Armstrong was a member of the Sea Organization, a group of highly trained scientologists who were considered the upper echelon of the Scientology organization.<sup>8</sup> During those years he was placed in various locations, but it was never made clear to him exactly which Scientology corporation he was working for. Defendant Armstrong understood that, ultimately, he was working for L. Ron Hubbard, who controlled all Scientology finances, personnel, and operations while Defendant was in the Sea Organization.

Beginning in 1979 Defendant Armstrong resided at Gilman Hot Springs, California, in Hubbard's "Household Unit." The Household Unit took care of the personal wishes and needs of Hubbard at many levels. Defendant Armstrong acted as the L. Ron Hubbard Renovations In-Charge and was responsible for renovations, decoration, and maintenance of Hubbard's home and office at Gilman Hot Springs.



1 In January of 1980 there was an announcement of a possible  
2 raid to be made by the FBI or other law enforcement agencies of  
3 the property. Everyone on the property was required by  
4 Hubbard's representatives, the Commodore's Messengers, to go  
5 through all documents located on the property and "vet" or  
6 destroy anything which showed that Hubbard controlled  
7 Scientology organizations, retained financial control, or was  
8 issuing orders to people at Gilman Hot Springs.

9 A commercial paper shredder was rented and operated day  
10 and night for two weeks to destroy hundreds of thousands of  
11 pages of documents.

12 During the period of shredding, Brenda Black, the  
13 individual responsible for storage of Hubbard's personal  
14 belongings at Gilman Hot Springs, came to Defendant Armstrong  
15 with a box of documents and asked whether they were to be  
16 shredded. Defendant Armstrong reviewed the documents and found  
17 that they consisted of a wide variety of documents including  
18 Hubbard's personal papers, diaries, and other writings from a  
19 time before he started Dianetics in 1950, together with  
20 documents belonging to third persons which had apparently been  
21 stolen by Hubbard or his agents. Defendant Armstrong took the  
22 documents from Ms. Black and placed them in a safe location on  
23 the property. He then searched for and located another twenty  
24 or more boxes containing similar materials, which were poorly  
25 maintained.

26 On January 8, 1980, Defendant Armstrong wrote a petition  
27 to Hubbard requesting his permission to perform the research  
28 for a biography to be done about his life. The petition states



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be done about his life. The petition states



that Defendant Armstrong had located the subject materials and lists of a number of activities he wished to perform in connection with the biography research.

Hubbard approved the petition, and Defendant Armstrong became the L. Ron Hubbard Personal Relations Officer Researcher (PPRO Res). Defendant claims that this petition and its approval forms the basis for a contract between Defendant and Hubbard. Defendant Armstrong's supervisor was then Laurel Sullivan, L. Ron Hubbard's Personal Public Relations Officer.

During the first part of 1980, Defendant Armstrong moved all of the L. Ron Hubbard Archives materials he had located at Gilman Hot Springs to an office in the Church of Scientology Cedars Complex in Los Angeles. These materials comprised approximately six file cabinets. Defendant Armstrong had located himself in the Cedars Complex, because he was also involved in "Mission Corporate Category Sort-Out," a mission to work out legal strategy. Defendant Armstrong was involved with this mission until June of 1980.

It was also during this early part of 1980 that Hubbard left the location in Gilman Hot Springs, California, and went into hiding. Although Defendant Armstrong was advised by Laurel Sullivan that no one could communicate with Hubbard, Defendant Armstrong knew that the ability for communication existed, because he had forwarded materials to Hubbard at his request in mid-1980.

Because of this purported inability to communicate with Hubbard, Defendant Armstrong's request to purchase biographical materials of Hubbard from people who offered them for sale went



1 to the Commodore's Messenger Organization, the personal  
2 representatives of Hubbard.

3 In June of 1980 Defendant Armstrong became involved in the  
4 selection of a writer for the Hubbard biography. Defendant  
5 Armstrong learned that Hubbard had approved of a biography  
6 proposal prepared by Omar Garrison, a writer who was not a  
7 member of Scientology. Defendant Armstrong had meetings with  
8 Mr. Garrison regarding the writing of the biography and what  
9 documentation and assistance would be made available to him.  
10 As understood by Mr. Garrison, Defendant Armstrong represented  
11 Hubbard in these discussions.

12 Mr. Garrison was advised that the research material he  
13 would have at his disposal were Hubbard's personal archives.  
14 Mr. Garrison would only undertake a writing of the biography if  
15 the materials provided to him were from Hubbard's personal  
16 archives, and only if his manuscript was subject to the  
17 approval of Hubbard himself.

18 In October of 1980 Mr. Garrison came to Los Angeles and  
19 was toured through the Hubbard archives materials that  
20 Defendant Armstrong had assembled up to that time. This was an  
21 important "selling point" in obtaining Mr. Garrison's agreement  
22 to write the biography. On October 30, 1980, an agreement was  
23 entered into between Ralston-Pilot, ncv. F/S/O Omar V.  
24 Garrison, and AOSH DK Publications of Copenhagen, Denmark, for  
25 the writing of a biography of Hubbard.

Paragraph 10B of the agreement states that:

"Publisher shall use its best efforts to provide  
Author with an office, an officer assistant and/or



research assistant, office supplies and any needed archival and interview materials in connection with the writing of the Work."

The "research assistant" provided to Mr. Garrison was Defendant Armstrong.

During 1980 Defendant Armstrong exchanged correspondence with Intervenor regarding the biography project. Following his approval by Hubbard as biography researcher, Defendant Armstrong wrote to Intervenor on February 5, 1980, advising her of the scope of the project. In the letter Defendant stated that he had found documents which included Hubbard's diary from his Orient trip, poems, essays from his youth, and several personal letters, as well as other things.

By letter of February 11, 1980, Intervenor responded to Defendant, acknowledging that he would be carrying out the duties of Biography Researcher.

On October 14, 1980, Defendant Armstrong again wrote to Intervenor, updating her on "Archives materials" and proposing certain guidelines for the handling of those materials.

It was Intervenor who, in early 1981, ordered certain biographical materials from "Controller Archives" to be delivered to Defendant Armstrong. These materials consisted of several letters written by Hubbard in the 1920's and 1930's, Hubbard's Boy Scout books and materials, several old Hubbard family photographs, a diary kept by Hubbard in his youth, and several other items.

Defendant Armstrong received these materials upon the order of Intervenor, following his letter of October 15, 1980,



to her in which Defendant stated, at page 7, that there were materials in the "Controller Archives" that would be helpful to him in the biography research.

After these materials were delivered to Defendant Armstrong, Intervenor was removed from her Scientology position of Controller in 1981, presumably because of her conviction for the felony of obstruction of justice in connection with the theft of Scientology documents from various government offices and agencies in Washington, D.C.

During the time Defendant Armstrong worked on the Biography project and acted as Hubbard Archivist, there was never any mention that he was not to be dealing with Hubbard's personal documents or that the delivery of those documents to Mr. Garrison was not authorized.

For the first year or more of the Hubbard biography and archive project, funding came from Hubbard's personal staff unit at Gilman Hot Springs, California. In early 1981, however, Defendant Armstrong's supervisor, Laurel Sullivan, ordered him to request that funding come from what was known as SEA Org Reserves. Approval for this change in funding came from the SEA Org Reserves Chief and Watch Dog Committee, the top Commodores Messenger Organization unit, who were Hubbard's personal representatives.

From November of 1980 through 1981, Defendant Armstrong worked closely with Mr. Garrison, assembling Hubbard's archives into logical categories, copying them and arranging the copies of the Archives materials into bound volumes. Defendant Armstrong made two copies of almost all documents copied for

1 Mr. Garrison - one for Mr. Carrison and the other to remain in  
2 Hubbard Archives for reference or recopying. Defendant  
3 Armstrong created approximately 400 binders of documents. The  
4 vast majority of the documents for Mr. Garrison came from  
5 Hubbard's personal Archives, of which Defendant Armstrong was  
6 in charge. Materials which came from other Archives, such as  
7 the Controller Archives, were provided to Defendant Armstrong  
8 by Scientology staff members who had these documents in their  
9 care.

10 It was not until late 1981 that Plaintiff was to provide a  
11 person to assist on the biography project by providing Mr.  
12 Carrison with "Guardian Office" materials, otherwise described  
13 as technical materials relating to the operation of  
14 Scientology. The individual appointed for this task was Vaughn  
15 Young. Controller Archives and Guardian Office Archives had no  
16 connection to the Hubbard Archives, which Defendant Armstrong  
17 created and maintained as Hubbard's personal materials.

18 In addition to the assemblage of Hubbard's Archives,  
19 Defendant Armstrong worked continually on researching and  
20 assembling materials concerning Hubbard by interviewing dozens  
21 of individuals, including Hubbard's living aunt, uncle, and  
22 four cousins. Defendant Armstrong did a geneology study of  
23 Hubbard's family and collected, assembled, and read hundreds of  
24 thousands of pages of documentation in Hubbard's Archives.

25 During 1980 Defendant Armstrong remained convinced of  
26 Hubbard's honesty and integrity and believed that the  
27 representations he had made about himself in various  
28 publications were truthful. Defendant Armstrong was devoted to

Commentator: Scientology reserves a special distrust for the media. Members may not give interviews without the Church's permission. Despite a long standing invitation, our interview with the Church's chosen spokesman was granted only when they were convinced that this program would be broadcast without their participation. When we taped that interview the Church had its own cameras rigged to video us. Scientologists dressed in the style of Christian ministers witnessed the proceedings. American Judge Paul Breckenridge said in a recent judgment, the organization clearly is schizophrenic and paranoid and this bizarre combination seems to be a reflection of its founder LRH.

Heber Jentzsch: Mr. Breckenridge is not the first one to say that. Uh, a man by the name of Paul Dikhoff disseminated at first, SS number 337259, an SS officer in the Nazi intelligence systems who was the head of the Bundes Kriminal, the German Federal Police in 1970. And the head of Interpol in fact.

I do not support a Nazi's supposed right to disseminate that kind of thing.



Commentator: Are you categorically denying that private information culled from PC folders has ever been disseminated intimidate or blackmail ex-members of the Church of Scientology.

Heber Jentzsch: Absolutely because that can be verified in every Court of law in the world and it's just as simple as that. So, there will be allegations that people have a billion dollars. I understand that they want a billion dollars but they'll have to come up with some kind of documentation. There is none. There is none, nada as they say Spanish, niente as they say in Italian. There's nothing.

**SUMMONS**  
**(CITACION JUDICIAL)**

**NOTICE TO DEFENDANT: (Aviso a Acusado)**

BENT CORYDON

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

**YOU ARE BEING SUED BY PLAINTIFF:**  
**(A Ud. le está demandando)**

HEBER JENTZSCH

You have **30 CALENDAR DAYS** after this summons is served on you to file a typewritten response at this court.

A letter or phone call will not protect you; your typewritten response must be in proper legal form if you want the court to hear your case.

If you do not file your response on time, you may lose the case, and your wages, money and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book).

*Después de que le entreguen esta citación judicial usted tiene un plazo de 30 DIAS CALENDARIOS para presentar una respuesta escrita a máquina en esta corte.*

*Una carta o una llamada telefónica no le ofrecerá protección; su respuesta escrita a máquina tiene que cumplir con las formalidades legales apropiadas si usted quiere que la corte escuche su caso.*

*Si usted no presenta su respuesta a tiempo, puede perder el caso, y le pueden quitar su salario, su dinero y otras cosas de su propiedad sin aviso adicional por parte de la corte.*

*Existen otros requisitos legales. Puede que usted quiera llamar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de referencia de abogados o a una oficina de ayuda legal (vea el directorio telefónico).*

The name and address of the court is: *(El nombre y dirección de la corte es)*

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
900 3rd Street  
San Fernando, CA 91340

CASE NUMBER: *(Número del Caso)*

**NYC 14274**

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

*(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es)*

TIMOTHY BOWLES  
8530 Wilshire Blvd., Suite 407  
Beverly Hills, CA 90211  
(213) 661-4030

**M. L. Maldonado**

DATE:  
*(Fecha)*

**SEP 14 1987**

Frank S. Zolin,

Clerk, by  
*(Actuario)*

Deputy  
*(Delegado)*

(SEAL)

**NOTICE TO THE PERSON SERVED: You are served**

1. ☒ as an individual defendant.
2. ☐ as the person sued under the fictitious name of *(specify)*:
3. ☐ on behalf of *(specify)*:

under: ☐ CCP 416.10 (corporation)  
☐ CCP 416.20 (defunct corporation)  
☐ CCP 416.40 (association or partnership)  
☐ other:

☐ CCP 416.60 (minor)  
☐ CCP 416.70 (conservatee)  
☐ CCP 416.90 (individual)

4. ☐ by personal delivery on *(date)*:

1 Timothy Bowles  
2 8530 Wilshire Boulevard, Suite 407  
3 Beverly Hills, California 90211  
4 (213) 661-4030

Attorney for Plaintiff

ORIGINAL FILED

SEP 14 1987

COUNTY CLERK

5 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
6 FOR THE COUNTY OF LOS ANGELES

7 HEBER JENTZSCH,

8 Plaintiff,

9 -against-

10 BENT CORYDON,

11 Defendant.  
12  
13

Case No.

NVC 14274

COMPLAINT  
FOR DAMAGES  
FOR DEFAMATION

14 Plaintiff, by his attorney, Timothy Bowles, for his  
15 complaint against defendant, alleges as follows:

16 I. NATURE OF THE ACTION

17 1. This is an action for damages caused by defendant's  
18 publication over radio station KGIL, in San Fernando,  
19 California, of false and defamatory statements of and  
20 concerning plaintiff. Said statements were originally  
21 published in and broadcast from the State of California,  
22 County of Los Angeles.

23 II. PARTIES

24 2. Plaintiff is a resident of County of Los Angeles, State  
25 of California, a minister in the Church of Scientology and the  
26 President of the Church of Scientology International, a  
27 religious organization, and the Mother Church in the United  
28 States for the religion of Scientology. Plaintiff has been



and continues to be prominent as a spokesman of the Church of Scientology for years and is highly prominent in exposing abuses in mental hospitals and in the propagation of the highly successful drug rehabilitation technology developed by L. Ron Hubbard.

3. Defendant is the author of a book entitled "L. Ron Hubbard Messiah or Madman?," published by Lyle Stuart, Inc. (herein "book").

### III. CAUSE OF ACTION

4. On August 31, 1987, defendant through a telephone connection spoke on and was broadcast by radio station KGIL as a guest to promote his book on a show known as "KGIL Newstalk."

5. KGIL broadcasts the "KGIL Newstalk" show throughout the greater Los Angeles metropolitan area. The show of August 31, 1987, and the particular defamatory statements alleged in paragraph 6 below, were heard throughout that area and by members of the public who know plaintiff personally and/or professionally as a minister of the Church of Scientology and as President of the Church of Scientology International.

6. While appearing on the "KGIL Newstalk" show on August 31, 1987; defendant published the following false and defamatory statements of and concerning plaintiff:

This guy is a professional liar. I mean, he calls himself the president of the Church.

\* \* \*

He's unscrupulous and would run any line they have.

\* \* \*

Heber Jentzsch is a professional liar. He's very, very good at what he does. He gets drilled on lying.

1           7. By the aforesaid defamatory statements alleged in  
2 paragraph 6 above, defendant intended to convey and did convey  
3 to the listening audience the following false and defamatory  
4 meanings of and concerning plaintiff:

- 5           A. Plaintiff is a professional liar;
- 6           B. Plaintiff is drilled on how to lie;
- 7           C. Plaintiff is unscrupulous;
- 8           D. Plaintiff would say anything regardless of  
9 whether it was true or false.

10           8. The audience that heard defendant's aforesaid  
11 defamatory statements of and concerning plaintiff understood  
12 said statements to have the false and defamatory meanings  
13 alleged in paragraph 7 herein.

14           9. The reasonable meanings of the aforesaid defamatory  
15 statements of and concerning plaintiff were the false and  
16 defamatory meanings alleged in paragraph 7 herein.

17           10. Members of the listening audience familiar with  
18 plaintiff and/or the Church of Scientology International  
19 understood the said defamatory statements to have the following  
20 false and defamatory meanings in addition to those alleged in  
21 paragraph 7 herein:

- 22           A. As a minister, plaintiff has been drilled to  
23 lie;
- 24           B. As a minister, plaintiff is unscrupulous;
- 25           C. In the practice of his ministry, plaintiff is a  
26 professional liar.

27           11. By the aforesaid defamatory statements and by their  
28 false and defamatory meanings as alleged herein defendant

1 charged plaintiff with dishonest and improper conduct in his  
2 ministry and in his position as president of the Church of  
3 Scientology International, and with highly unethical, improper  
4 and unlawful conduct.

5 12. Plaintiff's reputation, credibility and ability to  
6 fulfill his position as a minister of the Church of Scientology  
7 and as president of the Church of Scientology International  
8 requires that he be viewed as an ethical, honorable and  
9 responsible man who does not lie, is not involved in lying and  
10 is not unscrupulous.

11 13. Defendant knew that the aforesaid defamatory  
12 statements set forth above were false and/or published them in  
13 reckless disregard of their truth or falsity.

14 14. The aforesaid defamatory statements set forth above  
15 were published by defendant acting in a grossly irresponsible  
16 and reckless manner in failing to determine their truth or  
17 falsity, in failing to follow any responsible standards and  
18 practices in determining their truth or falsity and in knowing  
19 that he did not know whether the statement was true.

20 15. The aforesaid defamatory statements set forth above  
21 were published by defendant acting with culpable negligence and  
22 in reckless disregard of and indifference to plaintiff's rights  
23 and to their truth or falsity, and the damaging consequences  
24 that publication of such statements could cause.

25 16. The aforesaid defamatory statements are utterly false.

26 17. By reason of the aforesaid acts of defendant,  
27 plaintiff has suffered serious damage to his good name and  
28 reputation, he has been injured in his profession as a minister



and his integrity, honesty, truthfulness and lawfulness have been seriously impaired.

18. Plaintiff has sent to defendant a written request to retract and correct the statements in paragraph 6 above pursuant to California Civil Code Section 48(a). The defendant has not as of this time issued any retraction whatsoever. Plaintiff believes defendant has no intention to, nor will he retract in any regard.

19. As a result, plaintiff has suffered actual damages in an amount in excess of \$50,000.00.

20. By virtue of defendant's conduct, plaintiff is entitled to recover punitive damages from defendant in an amount in excess of \$150,000.00.

WHEREFORE, plaintiff demands judgment against defendant, as follows:


(a) in an amount no less than \$50,000.00 in actual damages together with interest thereon;

(b) in an amount no less than \$150,000.00 in punitive damage;

(c) the costs and disbursement of this action including reasonable allowances for counsel fees and other lawful expenses; and

(d) such other further relief as the Court may find just and proper under the circumstances.

DATED: September 14, 1987

  
Timothy Bowles  
Attorney for Plaintiff  
8530 Wilshire Boulevard, Ste. 407  
Beverly Hills, California 90211  
(213) 661-4030

**PROOF OF SERVICE — SUMMONS**  
(Use separate proof of service for each person served)

1. I served the

- a. ☒ summons ☒ complaint ☐ amended summons ☐ amended complaint  
☐ completed and blank Case Questionnaires ☐ Other (specify):

b. on defendant (name):

c. by serving ☐ defendant ☐ other (name and title or relationship to person served):

d. ☐ by delivery ☐ at home ☐ at business

- (1) date:  
(2) time:  
(3) address:

e. ☐ by mailing

- (1) date:  
(2) place:

2. Manner of service (check proper box):

- a. ☐ Personal service. By personally delivering copies. (CCP 415.10)
- b. ☐ Substituted service on corporation, unincorporated association (including partnership), or public entity. By leaving, during usual office hours, copies in the office of the person served with the person who apparently was in charge and thereafter mailing (by first-class mail, postage prepaid) copies to the person served at the place where the copies were left. (CCP 415.20(a))
- c. ☐ Substituted service on natural person, minor, conservatee, or candidate. By leaving copies at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household or a person apparently in charge of the office or place of business, at least 18 years of age, who was informed of the general nature of the papers, and thereafter mailing (by first-class mail, postage prepaid) copies to the person served at the place where the copies were left. (CCP 415.20(b)) (Attach separate declaration or affidavit stating acts relied on to establish reasonable diligence in first attempting personal service.)
- d. ☐ Mail and acknowledgment service. By mailing (by first-class mail or airmail, postage prepaid) copies to the person served, together with two copies of the form of notice and acknowledgment and a return envelope, postage prepaid, addressed to the sender. (CCP 415.30) (Attach completed acknowledgment of receipt.)
- e. ☐ Certified or registered mail service. By mailing to an address outside California (by first-class mail, postage prepaid, requiring a return receipt) copies to the person served. (CCP 415.40) (Attach signed return receipt or other evidence of actual delivery to the person served.)
- f. ☐ Other (specify code section):  
☐ additional page is attached.

3. The "Notice to the Person Served" (on the summons) was completed as follows (CCP 412.30, 415.10, and 474):

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ on behalf of (specify):  
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor) ☐ other:  
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)  
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (individual)
- d. ☐ by personal delivery on (date):

4. At the time of service I was at least 18 years of age and not a party to this action.

5. Fee for service: \$

6. Person serving:

- a. ☐ California sheriff, marshal, or constable.
- b. ☐ Registered California process server.
- c. ☐ Employee or independent contractor of a registered California process server.
- d. ☐ Not a registered California process server.
- e. ☐ Exempt from registration under Bus. & Prof. Code 22350(b).

f. Name, address and telephone number and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

(For California sheriff, marshal, or constable use only)  
I certify that the foregoing is true and correct.

Date:

Date:

(SIGNATURE)

(SIGNATURE)



**SUMMONS**  
**(CITACION JUDICIAL)**

**NOTICE TO DEFENDANT: (Aviso a Acusado)**

BENT CORYDON

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

**YOU ARE BEING SUED BY PLAINTIFF:**  
**(A Ud. le está demandando)**

JOHN CARMICHAEL

You have **30 CALENDAR DAYS** after this summons is served on you to file a typewritten response at this court.

A letter or phone call will not protect you; your typewritten response must be in proper legal form if you want the court to hear your case.

If you do not file your response on time, you may lose the case, and your wages, money and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book).

Después de que le entreguen esta citación judicial usted tiene un plazo de **30 DIAS CALENDARIOS** para presentar una respuesta escrita a máquina en esta corte.

Una carta o una llamada telefónica no le ofrecerá protección; su respuesta escrita a máquina tiene que cumplir con las formalidades legales apropiadas si usted quiere que la corte escuche su caso.

Si usted no presenta su respuesta a tiempo, puede perder el caso, y le pueden quitar su salario, su dinero y otras cosas de su propiedad sin aviso adicional por parte de la corte.

Existen otros requisitos legales. Puede que usted quiera llamar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de referencia de abogados o a una oficina de ayuda legal (vea el directorio telefónico).

The name and address of the court is: *(El nombre y dirección de la corte es)*

CASE NUMBER: *(Número del Caso)*

189414

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF RIVERSIDE  
4050 Main Street  
Riverside, CA 92501

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:  
*(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es)*

KENDRICK C. MOXON  
ATTORNEY AT LAW  
8530 Wilshire Blvd., Suite 407  
Beverly Hills, CA 90211

WILLIAM E. CONERLY

DATE:  
*(Fecha)*

SEP 14 1987

Clerk, by  
*(Actuario)*

A. Hayes

Deputy  
*(Delegado)*

(SEAL)

**NOTICE TO THE PERSON SERVED: You are served**

1. ☒ as an individual defendant.
2. ☐ as the person sued under the fictitious name of *(specify)*:
3. ☐ on behalf of *(specify)*:

under: ☐ CCP 416.10 (corporation)  
☐ CCP 416.20 (defunct corporation)  
☐ CCP 416.40 (association or partnership)  
☐ other:

☐ CCP 416.60 (minor)  
☐ CCP 416.70 (conservatee)  
☐ CCP 416.90 (individual)

4. ☐ by personal delivery on *(date)*:



Kendrick L. Moxon  
Counsel for Plaintiff  
8530 Wilshire Blvd.  
Suite 407  
Beverly Hills, Ca. 90211  
(213) 661-4030

FILED  
RIVERSIDE COUNTY

SEP 14 1987

WILLIAM E. CONERLY, Clerk

*A. Hayes* Deputy  
A. Hayes

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF RIVERSIDE

JOHN CARMICHAEL,

Plaintiff,

-against-

BENT CORYDON,

Defendant.

189414

COMPLAINT FOR  
DAMAGES FOR  
DEFAMATION  
CIVIL CODE §45

Plaintiff, by his attorneys, Kendrick L. Moxon for his  
complaint against defendant, alleges as follows:

I. NATURE OF THE ACTION

1. This is an action for damages caused by defendant's  
publication over radio station WABC of false and defamatory  
statements of and concerning plaintiff. Venue is based upon the  
residence of plaintiff and upon the origin of publication and  
publication, all in the State, County and City of New York.

II. PARTIES

1. Plaintiff is a resident of the City, County and State  
of New York, a minister in the Church of Scientology and the  
President of the Church of Scientology of New York, Inc., a  
religious organization.

1           2. Plaintiff is also engaged in a public relations  
2 business in the City, County and State of New York which is  
3 conducted under Plaintiff's name.

4           3. Defendant is the author of a book entitled "L. Ron  
5 Hubbard Messiah or Madman?," published by Lyle Stuart, Inc.  
6 (herein "book"), and is a resident of Riverside, California.

7                           CAUSE OF ACTION

8           4. On August 19, 1987, defendant appeared on radio station  
9 WABC as a guest to promote his book on a show known as "Morning  
10 Newstalk."

11           5. WABC broadcasts the "Morning Newstalk" show throughout  
12 the greater New York metropolitan area. The show of August 19,  
13 1987, and the particular defamatory statements alleged in  
14 paragraph 6 below, were heard throughout that area and by  
15 members of the public who know plaintiff personally,  
16 professionally as a minister of the Church of Scientology and in  
17 his public relations business.

18           6. While appearing on the "Morning Newstalk" show on  
19 August 19, 1987, in New York County, defendant published the  
20 following false and defamatory statements of and concerning  
21 plaintiff:

22           What I was doing was trying to cover up for  
23 your people that you told me were innocent,  
24 John Carmichael. You're one of their biggest  
25 spokesmen. You are a trained liar - they  
26 trained you on a lying drill. They actually  
27 train you on a drill that tells you how to lie  
28 effectively, and you're drilled on this regularly.  
I have the actual thing in my possession.

                          \*       \*       \*

          You wouldn't know what it [the truth] meant,  
buddy. You actually do train on that and you  
know it.



\* \* \*

You're a professional liar.

7. By the aforesaid defamatory statements alleged in paragraph 6 above, defendant intended to convey and did convey to the listening audience the following false and defamatory meanings of and concerning plaintiff:

- A. Plaintiff is a trained liar;
- B. Plaintiff has been trained to lie effectively;
- C. Plaintiff is drilled regularly on how to lie;
- D. Plaintiff would not know what the truth meant;
- E. Plaintiff knows he actually trains to lie;
- F. Plaintiff is a professional liar.

8. The audience that heard defendant's aforesaid defamatory statements of and concerning plaintiff understood said statements to have the false and defamatory meanings alleged in paragraph 7 herein.

9. The reasonable meanings of the aforesaid defamatory statements of and concerning plaintiff was the false and defamatory meanings alleged in paragraph 7 herein.

10. Members of the listening audience familiar with plaintiff and/or the Church of Scientology of New York understood the said defamatory statements to have the following false and defamatory meanings in addition to those alleged in paragraph 7 herein:

- A. As a minister plaintiff is trained to lie;
- B. As a minister plaintiff does not know what the truth is;
- C. In the practice of his ministry plaintiff is a



1 professional liar;

2 D. In his public relations business plaintiff is a  
3 trained liar;

4 E. In his public relations business plaintiff does not  
5 know what the truth is;

6 F. In his public relations business plaintiff is a  
7 professional liar.

8 11. By the aforesaid defamatory statements and by their  
9 false and defamatory meanings as alleged herein defendant  
10 charged plaintiff with dishonest and improper conduct in his  
11 ministry and in his business, and with highly unethical,  
12 improper and unlawful conduct.

13 12. Plaintiff's reputation, credibility and ability to  
14 fulfill his position as a minister of the Church of Scientology  
15 requires that he be viewed as an ethical, honorable and  
16 responsible man who does not lie, is not involved in lying and  
17 knows and respects the truth.

18 13. Plaintiff's reputation, credibility and ability to  
19 function in his public relations business requires that he be  
20 viewed as an ethical, honorable and responsible man who does not  
21 lie, is not involved in lying and knows and respects the truth.

22 14. Defendant knew that the aforesaid defamatory  
23 statements set forth above were false and/or published them in  
24 reckless disregard of their truth or falsity.

25 15. The aforesaid defamatory statements set forth above  
26 were published by defendant acting in a grossly irresponsible  
27 manner in failing to determine their truth or falsity, in  
28 failing to follow any responsible standards and practices in

1 determining their truth or falsity and in knowing that he did  
2 not know whether the statement was true.

3 16. The aforesaid defamatory statements set forth above  
4 were published by defendant acting with culpable negligence and  
5 in reckless disregard of and indifference to plaintiff's rights  
6 and to their truth or falsity, and the demanding consequences  
7 that publication of such statements could cause.

8 17. The aforesaid defamatory statements are utterly false.

9 18. By reason of the aforesaid acts of defendant,  
10 plaintiff has suffered serious damage to his good name and  
11 reputation, he has been injured in his profession as a minister,  
12 he has been injured in his public relations business and his  
13 integrity, honesty, truthfulness and lawfulness have been  
14 seriously impaired.

15 19. Upon information and belief, by reason of the  
16 aforesaid acts of defendant, plaintiff has lost and will in the  
17 future lose, prospective business and clients in his public  
18 relations business resulting in specific economic damage and  
19 loss to plaintiff.

20 20. Plaintiff has sent to defendant a written request  
21 to retract and correct the statements in paragraph 6 above  
22 pursuant to California Civil Code Section 48(a). The  
23 defendant has not as of this time issued any retraction  
24 whatsoever. Plaintiff believes defendant has no intention  
25 to, nor will he retract in any regard.

26 21. As a result, plaintiff has suffered actual damages  
27 in an amount in excess of \$50,000.00.

28 22. By virtue of defendant's conduct, plaintiff is

1 entitled to recover punitive damages from defendant in an amount  
2 in excess of \$50,000.00.

3 WHEREFORE, plaintiff demands judgment against defendant, as  
4 follows:

5 (a) in an amount no less than \$50,000.00 in  
6 actual damages together with interest thereon;

7 (b) in an amount no less than \$50,000.00 in  
8 punitive damage;

9 (c) the costs and disbursement of this action  
10 including reasonable allowances for counsel fees and  
11 other lawful expenses; and

12 (d) such other further relief as the Court may find  
13 just and proper under the circumstances.

14 DATED: Los Angeles,  
15 September 14, 1987

16 Respectfully submitted,  
17  
18

19 Kendrick L. Moxon  
20 Attorney for Plaintiff  
21 8530 Wilshire Blvd.  
22 Suite 407  
23 Beverly Hills, Ca. 90211  
24 (213) 661-4030  
25  
26  
27  
28



**PROOF OF SERVICE — SUMMONS**  
(Use separate proof of service for each person served)

1. I served the
- a. ☒ summons ☒ complaint ☐ amended summons ☐ amended complaint  
☐ completed and blank Case Questionnaires ☐ Other (specify):
- b. on defendant (name):
- c. by serving ☐ defendant ☐ other (name and title or relationship to person served):
- d. ☐ by delivery ☐ at home ☐ at business  
(1) date:  
(2) time:  
(3) address:
- e. ☐ by mailing  
(1) date:  
(2) place:
2. Manner of service (check proper box):
- a. ☐ Personal service. By personally delivering copies. (CCP 415.10)
- b. ☐ Substituted service on corporation, unincorporated association (including partnership), or public entity. By leaving, during usual office hours, copies in the office of the person served with the person who apparently was in charge and thereafter mailing (by first-class mail, postage prepaid) copies to the person served at the place where the copies were left. (CCP 415.20(a))
- c. ☐ Substituted service on natural person, minor, conservatee, or candidate. By leaving copies at the dwelling house, usual place of abode, or usual place of business of the person served in the presence of a competent member of the household or a person apparently in charge of the office or place of business, at least 18 years of age, who was informed of the general nature of the papers, and thereafter mailing (by first-class mail, postage prepaid) copies to the person served at the place where the copies were left. (CCP 415.20(b)) (Attach separate declaration or affidavit stating acts relied on to establish reasonable diligence in first attempting personal service.)
- d. ☐ Mail and acknowledgment service. By mailing (by first-class mail or airmail, postage prepaid) copies to the person served, together with two copies of the form of notice and acknowledgment and a return envelope, postage prepaid, addressed to the sender. (CCP 415.30) (Attach completed acknowledgment of receipt.)
- e. ☐ Certified or registered mail service. By mailing to an address outside California (by first-class mail, postage prepaid; requiring a return receipt) copies to the person served. (CCP 415.40) (Attach signed return receipt or other evidence of actual delivery to the person served.)
- f. ☐ Other (specify code section):  
☐ additional page is attached.
3. The "Notice to the Person Served" (on the summons) was completed as follows (CCP 412.30, 415.10, and 474):
- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ on behalf of (specify):  
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor) ☐ other:  
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)  
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (individual)
- d. ☐ by personal delivery on (date):
4. At the time of service I was at least 18 years of age and not a party to this action.
5. Fee for service: \$
6. Person serving:
- a. ☐ California sheriff, marshal, or constable.
- b. ☐ Registered California process server.
- c. ☐ Employee or independent contractor of a registered California process server.
- d. ☐ Not a registered California process server.
- e. ☐ Exempt from registration under Bus. & Prof. Code 22350(b).
- f. Name, address and telephone number and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:



(SIGNATURE)

(For California sheriff, marshal, or constable use only)  
I certify that the foregoing is true and correct.

Date:



(SIGNATURE)

(VERIFICATION — 44A, 20155 C. C. P.)

STATE OF CALIFORNIA, COUNTY OF

I am the

in the above entitled action or proceeding; I have read the foregoing

and know the contents thereof; and I certify that the same is true of my own knowledge, except as to those matters which are therein stated upon my information or belief, and as to those matters I believe it to be true.

I declare, under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on \_\_\_\_\_ at \_\_\_\_\_, California  
(date) (place)

\_\_\_\_\_  
(Signature)

PROOF OF SERVICE BY MAIL (1013a, 20155 C. C. P.)

STATE OF CALIFORNIA, COUNTY OF

I am a resident of the county aforesaid; I am over the age of eighteen years and not a party to the within entitled action; my business address is:

P.O. Box 511, Pacific Palisades, Ca. 90272

On \_\_\_\_\_, 19\_\_\_\_, I served the within \_\_\_\_\_

on the \_\_\_\_\_ Parties  
in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at \_\_\_\_\_ addressed as follows:

Lenske, Lenske & Heller  
6400 Canoga Avenue  
Suite 315  
Woodland Hills CA 91367

Litt & Stormer  
3550 Wilshire Blvd.  
Suite 1200  
Los Angeles CA 90010

Peterson & Brynan  
8530 Wilshire Blvd  
Suite 407  
L.A. CA 90211

I declare, under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on \_\_\_\_\_ at \_\_\_\_\_, California  
(date) (place)